

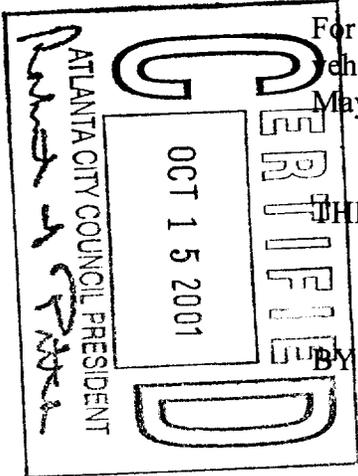
01- R-1615

Entered - 7-23-01- sb  
CL - 01L0477 ALEXIS HOLMES

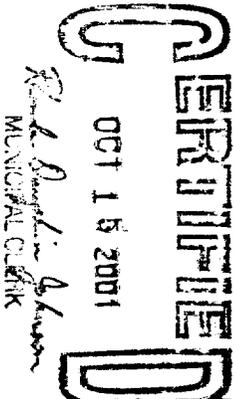
CLAIM OF: **PAMELA FITZGERALD AND  
DELONZA FITZGERALD**  
336 Weddington Road  
Hiram, Georgia 30141

For vehicular damages alleged to have been sustained as a result of a  
vehicle stop on June 25, 2001 at Interstate 285 South at Benjamin E.  
Mays Drive.

THIS ADVERSE REPORT IS APPROVED



By: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY Rosa N. City DCA



CITY COUNCIL OCT 15 2001

**ADVERSE REPORT**

COMM: P B L A

DATE: OCT 09 2001

CHAR: @. Tim...

[Handwritten Signature]

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\_\_\_\_\_  
\_\_\_\_\_



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

October 26, 2001

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

Pamela Fitzgerald and  
Delonza Fitzgerald  
336 Weddington Road  
Hiram, Georgia 30141

01-R-1615

Dear Pamela Fitzgerald:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on October 15, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0477

Date: 9/21/01

Claimant /Victim PAMELA FITZGERALD AND DELONZA FITZGERALD

BY: (Atty)(Ins.)

Address: 336 Weddington Road Hiram, Georgia 30141

Subrogation: Claim for Property damage \$ 838.04 Bodily Injury \$

Date of Notice: 9/9/01 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)

Date of Occurrence 6/25/01 Place: Interstate 285 South at Benjamin E. Mays Drive

Department Police Division: FOD

Employee involved: Officers C.K. Mathis and R.O. Hubbard Disciplinary Action: Non Sustained

NATURE OF CLAIM: The claimants allege that claimant driver sustained vehicular damages after he was stopped by City enforcement officers for exceeding the speed limit. In an investigation by the Office of Professional Standards the officers were not found in violation of City policies and/or procedures. Furthermore, the City is immune from liability as set forth under O.C.G.A. § 36-33-1 and § 36-33-3.

INVESTIGATION:

Statements: City employee X Claimant X Other X Written X Oral

Pictures Diagrams Reports: Police Dept Report X Other X

Traffic citations issued: City Driver Claimant Driver X

Citation disposition: City Driver Claimant Driver Guilty

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months Other X Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager: Concur/date 09-25-01

Committee Action: Council Action

RCS# 3186  
10/15/01  
3:51 PM

Atlanta City Council

Regular Session

MULTIPLE  
01-R-1615

Unfavorable Claims; Items #6-#23,  
#26 & #27  
ADVERSE

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	NV Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	NV Morris	Y Maddox	Y Alexander
NV Winslow	Y Muller	Y Boazman	NV Pitts

CORRECTED COPY

MULTIPLE